

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

U. S. Securities and Exchange
Commission,

Plaintiff,

V.

Marlon Quan, et al.,

Defendants,

Florene Quan,

Relief Defendant,

and

DZ Bank AG Deutsche Zentral- :
Genossenschaftsbank, Frankfurt am :
Main, Sovereign Bank, Topwater :
Exclusive Fund III, LLC, Freestone Low :
Volatility Partners, LP, and Freestone :
Low Volatility Qualified Partners, LP, :

Intervenors,

and

Gary Hansen,

Receiver.

ORDER GRANTING PLAINTIFF’S MOTION TO UNSEAL FILINGS RELATED TO SUMMARY JUDGMENT MOTIONS

On July 18, 2013 Plaintiff United States Securities and Exchange Commission (“SEC”) filed a Motion to Unseal Filings Related to Summary Judgment Motions (“Motion to Unseal”) (Dkt. #324). The Motion to Unseal advised that on May 31, 2013 the SEC filed its Motion for Partial Summary Judgment as to Defendants Marlon Quan,

Acorn Capital Group, LLC, Stewardship Investment Advisors, LLC, Stewardship Credit Arbitrage Fund, LLC and Relief Defendant Florene Quan (“Motion”). On June 24, 2013 the SEC filed its Responses to Motions for Partial Summary Judgment filed by Defendant Marlon Quan and by Relief Defendant Florene Quan (“Responses”). The SEC supported its Motion and Responses with certain materials that either Defendant Marlon Quan or two third-party witnesses had designated as “confidential” pursuant to the terms of a May 10, 2012 Amended Protective Order entered in this case (Dkt. # 158). The SEC accordingly filed the following pleadings under seal:

- Dkt. #260, Mem. in Support of Mtn. for Partial Summary Judgment
- Dkt. #261, Appendix in Support of Mtn. for Partial Summary Judgment, Vol. I
- Dkt. #262, Appendix in Support of Mtn. for Partial Summary Judgment, Vol. II
- Dkt. #298, Mem. in Opp’n to Rel. Def. Florene Quan’s Mtn. for Summary Judgment
- Dkt. #299, Exhibits to Dkt. # 298
- Dkt. #300, Mem. in Opp’n to Def. Marlon Quan’s Mtn. for Partial Summary Judgment
- Dkt. #301, Exhibits to Dkt. #300

Under the terms of the Court’s June 10, 2013 Amended Scheduling Order (Dkt. #283) material will not be kept under seal if the sole basis for filing the material under seal was a designation of confidentiality by any party pursuant to a protective order.

The SEC subsequently conferred with Defendant Quan and one third-party witness, who did not object to the unsealing of the materials listed above. The SEC also advised the remaining third-party witness that it must object before the July 24, 2013

hearing held on the SEC's Motion to Unseal. The remaining third-party witness filed no opposition to the SEC's Motion to Unseal and did not appear to object at the July 24 hearing.

The Court accordingly has been duly advised in the premises, and based upon all the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED THAT:

The SEC's Motion to Unseal Filings Related to Summary Judgment Motions (Dkt. # 324) is hereby granted and the Clerk of the Court is directed to lift the seal and to file, in place of the current placeholders, the materials listed below as a matter of public record:

- Dkt. #260, Mem. in Support of Mot. for Partial Summary Judgment
- Dkt. #261, Appendix in Support of Mot. for Partial Summary Judgment, Vol. I
- Dkt. #262, Appendix in Support of Mot. for Partial Summary Judgment, Vol. II
- Dkt. #298, Mem. in Opp'n to Rel. Def. Florene Quan's Mot. for Summary Judgment
- Dkt. #299, Exhibits to Dkt. # 298

- Dkt. #300, Mem. in Opp'n to Def. Marlon Quan's Mot. for Partial Summary Judgment
- Dkt. #301, Exhibits to Dkt. #300

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: July 25, 2013.